

FLOYD ODOM

APRIL 30, 1942.—Ordered to be printed

Mr. ROSIER, from the Committee on Claims, submitted the following

REPORT

(To accompany H. R. 1901)

The Committee on Claims, to whom was referred the bill (H. R. 1901) for the relief of Floyd Odom, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts are fully set forth in House Report No. 1780, Seventy-seventh Congress, second session, which is appended hereto and made a part of this report.

(H. Rept. No. 1780, 77th Cong., 2d sess.)

The Committee on Claims, to whom was referred the bill (H. R. 1901) for the relief of Floyd Odom, having considered the same, report favorably thereon with an amendment and recommend that the bill, as amended, do pass.

The amendment is as follows:

Page 1, line 6, strike out the figures "\$5,000" and insert in lieu thereof the figures "\$1,000".

The purpose of the proposed legislation is to pay to Floyd Odom, of Albion, Okla., the sum of \$1,000, for personal injuries sustained on March 23, 1935, when struck by a truck operated in connection with the Civilian Conservation Corps, near Fewell, Okla.

STATEMENT OF FACTS

On March 23, 1935, a Civilian Conservation Corps truck was proceeding in an easterly direction on the county road about 2 miles west of Fewell, Okla., at a speed of about 15 miles per hour; that the road is about 16 feet wide and is rocky and rough; that Floyd Odom was walking in the same direction, about midway between the center line and the south edge of the county road; when the Government driver observed Mr. Odom he sounded the horn of his automobile; that Mr. Odom is a deaf mute and did not hear the horn; that when the Government driver observed Mr. Odom did not respond to the horn, he applied his brakes and turned to his left, in an effort to pass Mr. Odom, but that the body of the vehicle struck Mr. Odom, thereby causing the injuries complained of; that the Government driver failed to stop, or stopped only momentarily, after the accident. An Army doctor, who examined Mr. Odom on March 24, 1935, stated that the injuries sustained by Mr. Odom were as follows: Posterior point of scapula, small superficial skin abrasion one-quarter inch in diameter; posterior left on level with crest of ilium, slight skin abrasion and bruise measuring approxi-

mately 2 by 4 inches. The War Department, in a report to the committee dated April 8, 1939, recommends:

"From the above, it appears that Mr. Odom has suffered some injuries as the result of the accident, and the War Department will interpose no objection to the enactment of legislation to compensate him in such amount for his loss of time and personal injuries as the Congress may deem proper to allow."

Appended hereto is the report of the War Department, together with other pertinent evidence.

WAR DEPARTMENT,
Washington, April 8, 1939.

HON. AMBROSE J. KENNEDY,
Chairman, Committee on Claims, House of Representatives,

Washington, D. C.

DEAR MR. KENNEDY: Careful consideration has been given to the bill H. R. 4802, Seventy-sixth Congress, first session, for the relief of Floyd Odom, which you transmitted to the War Department under date of March 16, 1939, with request for information and the views of the Department relative thereto.

The purpose of the proposed legislation is to pay to Floyd Odom, of Albion, Okla., the sum of \$5,000, in full settlement of all claims against the United States for personal injuries sustained by him on March 23, 1935, when struck by a Government truck operated in connection with the Civilian Conservation Corps near Fewell, Okla.

The records of the War Department show that on March 23, 1935, a Government truck on official business, operated in connection with the Civilian Conservation Corps activities of the War Department, was proceeding in an easterly direction in second gear down a 10-percent grade on the county road about 2 miles west of Fewell, Okla., at a speed of about 15 miles per hour; that this road is about 16 feet wide and is rocky and rough; that Floyd Odom was walking in the same direction in which the Government truck was going and about midway between the center line and the south edge of the county road; that when the Government driver observed Mr. Odom, who was then about 300 feet away, he sounded the horn of his vehicle; that Mr. Odom is a deaf mute and did not hear the horn; that when the Government driver observed that Mr. Odom did not react to the sounding of the horn, he applied his brakes and shifted into low gear; that the Government driver turned to his left in an attempt to pass Mr. Odom but that the body of the vehicle struck him, thereby causing the injuries complained of. It is further established by the evidence of record that the Government driver failed to stop, or stopped only momentarily, after the accident; that Mr. Odom, in addition to his physical infirmities, is illiterate and has no way to express his version of the happening nor to file a claim in his own right; that Mr. Odom got up immediately after being struck and walked to his home, a distance of about 2 miles; that an examination of Mr. Odom by an Army doctor several hours after the accident disclosed that he was badly bruised but that no other injuries were apparent; that medical examinations held approximately 3 years later failed to disclose that the injuries Mr. Odom suffered have had any permanent effect.

A claim in behalf of Mr. Odom was filed with the War Department by his father, Mr. J. Wilson Odom, in an unstated amount on account of personal injuries sustained by his son by reason of this accident.

The Army doctor who examined Mr. Odom on March 24, 1935, has stated that the following injuries were sustained by Mr. Odom:

1. Posterior point of scapula, a small superficial skin abrasion one-fourth inch in diameter.
2. Posterior left on level with crest of ilium, slight skin abrasion and bruise measuring approximately 2 by 4 inches.
3. This man's physical condition was excellent at time of examination, no broken bones or evidence of serious injury. All reflexes and coordinated movements normal.

Mr. J. Wilson Odom has testified that his son was in bed for 2 weeks after the accident and did not attempt to work for a further period of 2 weeks and that there were no medical expenses incurred by him or his son.

Upon review of the proceedings of a board of officers which investigated this accident, it is the view of the War Department that the proximate cause of the accident was negligence on the part of the Government driver in that, after observing the dangerous situation in which Mr. Odom had placed himself in the

middle of the road, he failed to take advantage of the last clear opportunity of avoiding Mr. Odom.

From the above it appears that Mr. Odom has suffered some injuries as the result of the accident and the War Department will interpose no objection to the enactment of legislation to compensate him in such amount for his loss of time and personal injuries as the Congress may deem proper to allow.

Sincerely yours,

LOUIS JOHNSON,
Acting Secretary of War.

ANTLERS, OKLA., December 15, 1939.

The Honorable WILBURN CARTWRIGHT,
McAlester, Okla.

DEAR MR. CARTWRIGHT: I have examined, today, Mr. Floyd Cedric Odom, of Albion, at the request of his father, Mr. J. W. Odom.

This man gives a history of having been struck by a Civilian Conservation Corps truck on March 23, 1935. There is a further history of spinal meningitis in infancy. The results of my examination are as follows:

Head: Normal.

EENT: Patient is completely deaf, with history of onset at time of infantile meningitis. Eyes are normal except for farsightedness. Eye grounds are normal by ophthalmic examination. Nose and throat are normal.

Chest: Normal.

Heart: Rhythm is regular; rate 108 at rest. Blood pressure is 120/80. No murmurs present. Heart is markedly enlarged to the left.

Abdomen: Normal.

Extremities: The left arm is slightly atrophic. Muscular power in the left hand and arm is decreased about one-half as compared to the right arm. Reflexes in the left arm are absent. Sensation, in the left arm, is apparently normal. Reflexes in the right arm are slightly hyperactive. Legs are apparently normal.

Back: There is marked limitation of either flexion or extension of the lumbar vertebrae and the sacroiliac joint; there is a small, nodular, bony protuberance on the margin of the left ilium at the sacroiliac joint. There is no tenderness or pain in this area.

Mentality: Patient is mentally alert, cooperative, and is apparently of average intelligence.

Neuromuscular: Beside the lesion described affecting the left arm, the patient has a marked "wing scapula" on the left side, indicating paralysis of the left, long thoracic nerve.

My impressions are: First, a partial motor paralysis involving the lower cervical and upper thoracic nerves on the left side; second, an arthritic or traumatic process involving the lower lumbar vertebrae and the sacroiliac joint; third, myocardial weakness.

In my opinion, consultation with competent neurologists and orthopedists is indicated before any treatment is undertaken.

Yours very truly,

P. B. RICE, M. D.

ALBION, OKLA., February 22, 1939.

To Whom It May Concern:

This is to certify that I, J. W. Odom, am the father of Floyd Odom, who was struck and injured by a Civilian Conservation Corps truck near Neshoba, Okla., in 1935; that the said Floyd Odom was injured to the extent that he is unable to do manual labor except in a very mild degree. He is affected by loss of weight from 155 to 138 pounds; left arm partially paralyzed and is smaller than before injury; back stiff and sore especially when he exercises any. I am of the opinion he is injured to the extent of at least 75 percent. His age is 35 years. I was partly dependent upon his labor for support before injury. I am 61 years old and Work Projects Administration has refused to accept me because of physical disability.

Witness my hand this the 22d day of February 1939.

J. W. ODOM.

STATE OF OKLAHOMA,
Pushmataha County:

Before me, W. F. Logan, a notary public in and for the State of Oklahoma, on this the 22d day of February 1939, personally appeared J. W. Odom to me per-

sonally known, and the same acknowledged to me that he executed the within and foregoing affidavit of his own free will and accord for the purposes and uses therein set forth.

Given under my hand and official seal this the 22d day of February 1939.

[SEAL]

W. F. LOGAN, *Notary Public.*

My commission expires September 15, 1940.

ALBION, OKLA., May 29, 1939.

To Whom It May Concern:

In relation to injury to Floyd Odom by Civilian Conservation Corps truck near Neshoba, Okla., in 1935: This boy did not receive any hospitalization because I wasn't financially able to hospitalize him and the Government authorities at the Civilian Conservation Corps camp didn't take any interest in the case so the boy has never received any treatment for this injury and is today 75 percent disabled on account of this injury. This boy was struck from behind on a county road near Neshoba, Okla. This evidence has been submitted to the War Department and they have the same on file.

If this boy had been properly hospitalized at time of injury he might have recovered his normal health but, as I could not place him in a hospital, and the Government failed to assist me and owing to the fact that the boy is disabled and will no doubt meet an untimely death because of this injury, and as the evidence will show that it was the neglect on the part of the one driving the truck, we feel that this boy should be compensated in an amount sufficient to take care of him through his lifetime.

Witness my hand this the 29th day of May 1939.

WILSON ODOM.

Subscribed in my presence and sworn before me this the 29th day of May 1939.

[SEAL]

W. F. LOGAN, *Notary Public.*

My commission expires September 15, 1940.

ALBION, OKLA., December 18, 1939.

Hon. WILBURN CARTRIGHT,
Washington, D. C.

Enclosed is report from Dr. P. B. Rice, who examined my son Floyd Cedric Odom, relative to injury received from being struck by Civilian Conservation Corps truck in 1935.

If you can get copy of War Department report of this case it will corroborate enclosed report of examination.

Dr. Rice informed me that the boy might become paralyzed at any time and that treatment now might prevent this. As to the expenses incurred there has not been any as I was not and am not at this time able to incur any expenses or have this boy hospitalized. I am,

Very truly yours,

WILSON ODOM.

ALBION, OKLA., February 22, 1939.

To Whom It May Concern:

This is to certify that I, the undersigned, have known Floyd Odom for the past 20 years.

I knew him before he was struck and injured by a Civilian Conservation Corps truck in 1935, and I consider, from what I personally know, that the extent of said injury has affected his ability to do manual labor at least 75 percent, as I have worked with him in the timber since his injury and he can do about 25 percent of a day's work and seems to suffer a great deal to do that.

Witness my hand this the 22d day of February 1939.

JAMES W. SIMS.

Witness:

J. M. STUART.

Mrs. L. S. GARDNER.

STATE OF OKLAHOMA,
Pushmataha County:

Before me, W. F. Logan, a notary in and for the State of Oklahoma, on this the 22d day of February 1939, personally appeared J. W. Sims personally known to me to be the identical person who executed the within and foregoing affidavit and acknowledges to me that he executed the same as his free and voluntary act and deed for the purposes and uses therein set forth.

Given under my hand and official seal this the 22d day of February 1939.

[SEAL]

W. F. LOGAN, Notary Public.

My commission expires September 15, 1940.

ALBION, OKLA., February 22, 1939.

To Whom It May Concern:

This is to certify that I, the undersigned, have personally known Floyd Odom for the past 12 years. I have worked with him in the timber since he was struck and injured by a Civilian Conservation Corps truck in 1935, and his physical condition is from all appearances at least 75 percent incapacitated since the said injury. He complains of his back and arm and seems to suffer severe pain after exertion by sawing or chopping with ax.

Witness my hand this the 22d day of February 1939.

OSCAR LETT.

STATE OF OKLAHOMA,
Pushmataha County:

Before me, W. F. Logan, a notary public in and for the State of Oklahoma, on this the 22d day of February 1939, personally appeared Oscar Lett, to me personally known to be the identical person who executed the within and foregoing affidavit and acknowledges to me that he executed the same as his free and voluntary act and deed for the purposes and uses therein set forth.

Witness my hand and official seal this the 22d day of February 1939.

[SEAL]

W. F. LOGAN, Notary Public.

AFFIDAVIT

ALBION, OKLA., February 22, 1939.

To Whom It May Concern:

This is to certify that I, the undersigned, worked with Floyd Odom who was struck and injured by a Civilian Conservation Corps truck in 1935. Before the said injury the said Floyd Odom could perform a good day's work without any apparent discomforts. I haven't worked any with him since said injury but, from his personal appearance, I am of the opinion that the said Floyd Odom has been incapacitated by said injury at least 75 percent.

Witness my hand this the 22d day of February 1939.

ALLEN L. DRY.

STATE OF OKLAHOMA,
Pushmataha County:

Before me, W. F. Logan, a notary public in and for the State of Oklahoma, on this the 22d day of February 1939, personally appeared Allen Dry to me known to be the identical person who executed the within and foregoing affidavit and acknowledges to me that he executed the same as his free and voluntary act and deed for the purposes and uses therein set forth.

[SEAL]

W. F. LOGAN, Notary Public.

My commission expires September 15, 1940.

ALBION, OKLA., February 22, 1939.

To Whom It May Concern:

This is to certify that I have known Floyd Odom since childhood and know, of my own personal knowledge, that the said Floyd Odom was physically strong up to the time that he was struck down by a Civilian Conservation Corps truck near

Nashoba, Okla, in 1935, and, further, that he is not as strong physically since said injury.

Witness my hand this the 22d day of February 1939.

J. M. ARMSTRONG.

STATE OF OKLAHOMA,
Pushmataha County:

Before me, W. F. Logan, a notary public in and for the State of Oklahoma, on this the 22d day of February 1939, personally appeared J. M. Armstrong, personally known to me to be the identical person who executed the within and foregoing affidavit and acknowledges to me that he executed the same as his free and voluntary act and deed for the purposes and uses therein set forth.

Witness my hand and official seal this the 22d day of February 1939.

[SEAL]

W. F. LOGAN.

My commission expires September 15, 1940.

AFFIDAVIT

ALBION, OKLA., February 22, 1939.

To Whom It May Concern:

This is to certify that I, the undersigned, worked with Floyd Odom who was struck and injured by a Civilian Conservation Corps truck in 1935. Before the said injury the said Floyd Odom could perform a good day's work without any apparent discomforts. I haven't worked any with him since said injury but from his personal appearance I am of the opinion that the said Floyd Odom has been incapacitated by said injury at least 75 percent.

Witness my hand this the 22d day of February 1939.

TED LAWSON.

STATE OF OKLAHOMA,
Pushmataha County:

Before me, W. F. Logan, a notary public in and for the State of Oklahoma, on this the 22d day of February 1939, personally appeared Ted Lawson, to me known to be the identical person who executed the within and foregoing affidavit and acknowledges to me that he executed the same as his free and voluntary act and deed for the purposes and uses therein set forth.

[SEAL]

W. F. LOGAN, Notary Public.

My commission expires September 15, 1940.